

REMARKS

Summary of the Examiner's Actions

The examiner rejected Claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by Dijkman, U.S. Patent Number 4,368,428 ("Dijkman"). Applicant acknowledges the rejection under 35 U.S.C. § 102(b).

The examiner objected to Claims 2-4 and 6-8 as being upon a rejected base claim and indicated that Claims 2-4 and 6-8 would be allowable if rewritten in independent form include all of the limitations of the base claim and any intervening claims. Applicant appreciates such indication.

Rejections under 35 U.S.C. § 102(b)

The examiner rejected Claims 1 and 5 under 35 U.S.C. § 102(b). Section 2131 of the Manual of Patent Examining Procedure describes the basis for anticipation under 35 U.S.C. § 102. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

In reviewing the examiner's rejection, Applicant recognized the source of the examiner's confusion. Dijkman discloses a method for determining velocity of a vehicle requiring two inductive loop vehicle detectors. The method of Dijkman is typical of the prior art discussed in paragraph 0037 of the present application. The field controller requires the outputs from the two consecutive vehicle detector circuits for calculating the velocity of the vehicle.

Claims 1 and 5 of the present application are directed to a detector system that is capable of determining velocity from a single inductive loop sensor. In order to communicate with the field controller, a second output is needed to emulate the existence of a second inductive loop. This second output is inferred or synthesized from the measurement taken from the single inductive loop. In attempting to claim this method, Applicant made reference to the imaginary vehicle detector in a manner that appeared to be positive recitation of a second vehicle detector.

Applicant has amended Claims 1 and 5 to remove the references pertaining to a second detector and have the claimed invention produce two distinct outputs from a single detector. For clarity, Applicant also removed the adjective first from the description of the vehicle detector as only a single vehicle detector is used. Applicant changed the phrasing of the limitations related to the inference of the second detection event to clarify that the second detection event is generated from information obtained from the first vehicle detector. Claims 3 and 7 were amended to remove references to the second vehicle detector while maintaining the relationship between the hypothetical offset and the vehicle detector. Finally, Claims 6 and 7 have been amended to correct the dependence to Claim 5. Applicant respectfully submits that Claims 1 and 5, and the corresponding dependent claims are in condition for allowance. All amendments herein are consistent with the scope and spirit of the original claims and are made to eliminate confusion. Accordingly, the examiner's rejections under 35 U.S.C. § 102(b) have been traversed.

Claim Objections

Claim 2 has been rewritten as new independent Claim 9, including all of the limitation of the base claim. Claim 3 has been rewritten as new independent Claim 10, including all of the limitation of the base claim. Claim 4 has been cancelled, without prejudice. Claim 6 has been rewritten as new independent Claim 11, including all of the limitation of the base claim. Claim 7 has been rewritten as new independent Claim 12,

including all of the limitation of the base claim. Claim 8 has been cancelled, without prejudice. Applicant respectfully submits that Claims 9-12, which correspond to Claim 2, 3, 6, and 7 are in condition for allowance. Accordingly, the objection of the examiner has been traversed or rendered moot.

Amendments to the Specification


Paragraph 0001 of the specification has been amended to correct a grammatical error. Applicant respectfully submits that no new matter has been introduced.

Summary

In view of the amendment of Claims 1, 3, and 5-7, the representation of Claims 2, 3, 6, and 7 in independent form as new Claims 9-12, the cancellation of Claims 4 and 8, without prejudice, and the arguments presented herein, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the examiner is respectfully requested. If, however, the examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910.

Respectfully submitted,



J. Kenneth Hoffmeister

Registration Number 43,675

PITTS AND BRITTIAN, P.C.
P.O. Box 51295
Knoxville, Tennessee 37950-1295
(865) 584-0105 Voice
(865) 584-0104 Fax